United Nations A/HRC/30/NGO/131

General Assembly

Distr.: General
8 September 2015

English and Spanish only

Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

GE.15-15238(E)

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Joint written statement* submitted by International Youth and Student Movement for the United Nations, non-governmental organizations in general consultative status, Asociación Española para el Derecho Internacional de los Derechos Humanos AEDIDH, American Association of Jurists, Amman Center for Human Rights Studies, Apne Aap Women World Wide (India) Trust, Armenian Constitutional Right-Protective Centre, Association Dunenyo, Association of War-Affected Women, Association pour l'Intégration et le Développement Durable au Burundi, Atheist Alliance International, Aube Nouvelle pour la Femme et le Développement, Autre Vie, BADIL Resource Center for Palestinian Residency and Refugee Rights, Bangladesh Nari Progati Sangha, Center for Development of Civil Society, Centre d'accompagnement des alternatives locales de développement, Centre for Democracy and Development, Commission africaine des promoteurs de la santé et des droits de l'homme, Foundation for Human Horizon, Foundation for the development of knowledge Suma Veritas, Humanitaire Plus, Institute of Global Education, Institute of Noahide Code, International Career Support Association, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Institute for Child Protection, International Organization for the Elimination of All Forms of Racial Discrimination, Khiam Rehabilitation Center for Victims of Torture, Labour, Health and Human Rights Development Centre, Lama Gangchen World Peace Foundation (LGWPF), Lawyers' Rights Watch Canada, Marangopoulos Foundation for Human Rights, Organisation internationale pour les pays les moins avancés (OIPMA), Public Services International, Réseau des Organisations Féminines d'Afrique Francophone, Réseau International des Droits Humains (RIDH), Save the Climat, Shirley Ann Sullivan Educational Foundation, Solidarité Agissante pour le Devéloppement Familial (SADF), Sun Charity USA, Tandem Project, The, The Children's Project, Inc., United Nations Association of San Diego, United Religions Initiative, Women's World Summit Foundation, World Association for Psychosocial

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Rehabilitation, World for World Organization, Yayasan Pendidikan Indonesia, non-governmental organizations in special consultative status, Arab NGO Network for Development, Dzeno Association, Indian Council of South America (CISA), Institute for Planetary Synthesis, International Society for Human Rights, Share The World's Resources (STWR), non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

The right to peace as a condition for a democratic and equitable order*

In 2011, the Human Rights Council established the mandate of independent expert on the promotion of a democratic and equitable international order, affirming that a democratic and equitable international order requires, inter alia, the realization of the right of all peoples to peace.[1]

A few months later, in July 2012, the Human Rights Council established the Intergovernmental Working Group entrusted with the preparation of the United Nations declaration on the right to peace,[2] on the basis of the draft declaration adopted by the Advisory Committee in 2012,[3] which had embodied 85% of the standards proposed by the Santiago Declaration on the Human Right to Peace, adopted by civil society in 2010.

Three years later, we regret that the mandate has been totally forgotten and the codification process has been suspended with no advancement. Indeed, the Chairperson-Rapporteur submitted to the Human Rights Council on 25 June 2015 his report on the third session of the Working Group,[4] which was held in Geneva in April 2015, including his third draft declaration on the right to peace. The title, several preambular paragraphs and the three articles proposed in the draft appeared in square brackets, revealing the objections of the States, even thought the draft did not recognize the right to peace or any of its essential elements. The Chairperson-Rapporteur concluded that it was not possible to reach a consensus on the draft declaration, and invited the Human Rights Council to assess whether the international community was in a position to further develop the right to peace in a consensual manner at this time.

Finally, the Chairperson-Rapporteur referred to the commemoration in 2015 of the 70th anniversary of the establishment of the United Nations Organization to invite the States to conclude the codification process, provided that an agreement could be reached in a consensual manner. If not, the States should respond to their civil societies for that failure.

The debate showed again the division of States on the codification process of this emerging right. On one hand, European States affirmed their rejection of the legal basis of the right to peace, but reiterated their willingness to discuss the linkages between peace and human rights. On the other hand, Latin American States, States belonging to the Non-Aligned Movement, and ASEAN Member States, defended the right to peace and the need to develop it in a declaration, therefore supporting the extension of the mandate of the Working Group.

Civil society organizations in turn, expressed their disappointment with the codification process through different oral and written statements, explaining that the provisions of the third draft declaration submitted by the Chairperson-Rapporteur were insufficient to recognize the human right to peace, since they did not define the emerging right or develop its elements, meaning no advancement in the current status of international human rights law.

Therefore, the 29th session of the Human Rights Council closed on 3 July 2015 without any State introducing a resolution requesting the extension of the mandate of the Working Group for one additional year. The lack of action by the Human Rights Council meant the suspension of the codification process of the right to peace.

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[1] Resolution 18/6, of 29 September 2011, para. 6.
[2] Resolution 20/15, of 5 July 2012.
[3] Doc. A/HRC/20/31, of 16 April 2012.
[4] Doc. A/HRC/29/45.

Civil society organizations regret this suspension. We recommend that the Working Group resume its initial mandate and start a true negotiation on the elements of the human right to peace, based on the Advisory Committee's Declaration of 2012 and the Santiago Declaration of 2010. To this end, the consensus rule should be abandoned in favour of the majority rule (as established in Article 20 of the rules of procedure of the Human Rights Council), in order to prevent that a small number of developed States which reject the existence of the right to peace, from frustrating the aspirations of the majority of developing States and civil society organizations.

For its part, the Independent Expert on the promotion of a democratic and equitable international order noted in his 2014 report that peace is a condition for a just international order, necessitating good faith disarmament negotiations and a gradual transition from military-first budgets to human security budget[5].

Consequently, civil society organizations call on States supporting the human right to peace to submit a draft resolution to the Human Rights Council at its 30th session, to extend the mandate of the Working Group, with a view to completing the United Nations Declaration on the Right to Peace, which would constitute an outstanding progress in the promotion of a democratic and equitable international order based on respect for universal human rights and adherence to the rule of law.

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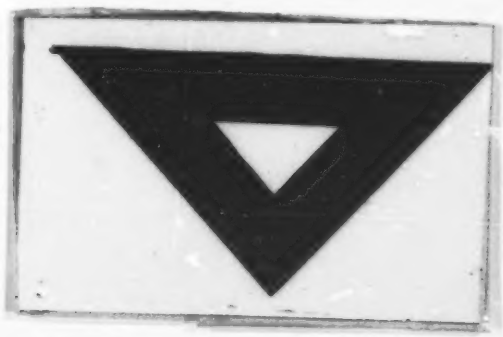
*Observatorio Internacional del Derecho Humano a la Paz, International-Lawyers.Org, CEPAZ – Centro de Justicia y Paz, SAFA (South Asian Feminist Alliance for ESCR), Women's Action Network Sri Lanka, Centro para la Paz y los Derechos Humanos de la Universidad Central de Venezuela (UCV), Peace Without Limits, Election Network in The Arab Region (ENAR), Arab Society for Academic Freedom (ASAF), Funpaz, Asociación por la Recuperación de la Memoria Histórica de Cataluña, Centre for Socio-Eco-Nomic Development, Splendors of Dawn Poetry, The Populace Foundation International, Association Internationale des Droits de L'Homme (AIDH), Asociación Pro Derechos Humanos de España, Beati i costruttori di pace, Servicios y Asesoria para la Paz (México), Asociación Pro Derechos Humanos de Andalucía, On Earth Peace, COFAVIC, Mopotac - Africa, Bureau for Reconstruction and Development (BRD) Afghanistan, Venezuela Diversa A.C., The Liberties Group for Development and Human Rights (LGDHR), Korea PSCORE, SOVA Somalia, Bakhtar Development Network Global, Građanska alijansa - Civic Alliance, Prosalus, Democracy Today, Kashmir Institute of International Relations, RET, Protecting Through Education, TransConflict. NGOs without consultative status, also share the views expressed in this statement.



[5] A/HRC/27/51, of 17 July 2014, pars. 68-73.